In re Application of: Richardson
Application No.: 09/830,727

REMARKS

Office Action

The Office Action rejects claims 29, 31-38, 40-51 and 53 under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,892,441 ("Woolley") in view of U.S. Patent No. 6,239,700 ("Hoffman"). Reconsideration of the rejection is respectfully requested.

Discussion of the Office Action

The Office Action admits that Woolley fails to teach all of the elements of the claimed invention, such as "continuously or at predetermined intervals measuring a parameter and the data comprising time-indicative data associated with the measured parameter." In this regard, the Office Action acknowledges that Woolley does not anticipate the claimed invention. The Office Action argues, however, that it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Woolley to use "continuous periodic measurements comprising data including time-indicative data, as taught by Hoffman." The Office Action asserts that modifying Woolley as taught by Hoffman would have been obvious "because this would allow for monitoring of changes of the unit over time and trends to be revealed."

Contrary to the Office Action, Hoffman does not teach or suggest transmitting continuously or at predetermined intervals time-indicative data representative of a measured parameter, as provided by Applicant's invention. Rather, Hoffman describes an alarm switch that transmits signals to a portable signaling unit so that a determination can be made as to whether the alarm switch is within range of the portable signaling unit. See Hoffman, e.g., at col. 9, lines 27-40. Hoffman does not teach or suggest that the alarm switch transmits data representative of a measured parameter and much less time-indicative data associated therewith.

Further, the portable signaling unit of Hoffman transmits "data" only when prompted after certain alarm conditions are met and not continuously or at predetermined intervals. See Hoffman, e.g., at col. 12, lines 44-51. Moreover, the alarm data described by Hoffman consist of the portable signaling unit's identification number, alarm code, and, possibly, longitude and latitude coordinates and not time-indicative data as provided by Applicant's invention. See Hoffman, e.g., at col. 12, lines 51-56.

Applicant's invention, by contrast, provides, e.g., a method of monitoring a consignment of goods, which includes continuously or at predetermined intervals measuring a parameter of the consignment and continuously or at predetermined intervals transmitting data, particularly
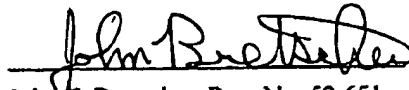
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time-indicative data, associated with the measured parameter. In accordance with Applicant's invention, monitoring tags can be affixed to an item of commerce (e.g., perishable food) to measure and report continuously or at predetermined intervals the temperature of the item as it is being shipped from a wholesaler to a retail outlet in *real time*. See, e.g., Figure 4, which illustrates an actual output status report of the temperature and travel-time history of a product, in real time, which can be printed from a central database via the Internet. No such method is taught or suggested by the cited art.

In view of the foregoing, the pending claims are not obvious over the cited art. Accordingly, the rejection should be withdrawn.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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